

1 KEVIN D. RISING (SBN 211663)
kevin.rising@btlaw.com
2 GARRETT LLEWELLYN (SBN 267427)
garrett.llewellyn@btlaw.com
3 **BARNES & THORNBURG LLP**
4 2029 Century Park East, Suite 300
Los Angeles, California 90067
5 Telephone: (310) 284-3880
Facsimile: (310) 284-3894

6 *Attorneys for Defendants*
7 Inspiring Trading Apps, LLC d/b/a
 Swyft

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

HUNGERSTATION, LLC

Case No. 4:19-cv-5861-HSG

Plaintiff,

- 4

5
6 FAST CHOICE LLC d/b/a PACE and
INSPIRING TRADING APPS LLC d/b/a
SWYFT,

**ADMINISTRATIVE MOTION TO
EXTEND TIME FOR DEFENDANT
SWYFT TO RESPOND TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Defendants.

Pursuant to Local Rules 6-1(b), 6-3, and 7-11, Defendant Inspiring Trading Apps, LLC
d/b/a Swyft (“Swyft”) respectfully requests that the Court modify the briefing schedule on
Plaintiff’s Motion for Preliminary Injunction (“PI Motion”) (Dkt. No. 23), so that Swyft’s
response date is extended five days and Plaintiff’s reply on the PI Motion is extended five days.
Swyft does not seek a continuance of the hearing date on the PI Motion. Specifically, Swyft’s
response is currently due on November 15, 2019 and Plaintiff’s reply is due on November 22,
2019. (*Id.*) Swyft requests only that the Court extend Swyft’s deadline to respond to November
20, 2019, the same date as Swyft’s response to the Complaint is due, and to extend the time for

1 Plaintiff's reply on the PI Motion to November 27, 2019. In support of its request, Defendant
 2 Swyft avers:

3 1. Swyft's current deadline to answer or otherwise respond to the Complaint is
 4 November 20, 2019, which date was set by stipulation between Plaintiff and Swyft. (Dkt. Nos. 14
 5 & 16).

6 2. On November 1, 2019, after stipulating that Swyft had until November 20, 2019 to
 7 respond to the complaint, Plaintiff filed its PI Motion, setting Swyft's response date of November
 8 15, 2019 – i.e., five days before the time it stipulated Swyft could respond to the Complaint.
 9 Plaintiff also set a reply date of November 22, 2019 and asked for a hearing date. (Dkt. No. 23).

10 3. On November 4, 2019, this Court set the hearing on the PI Motion for December
 11 11, 2019. (Dkt. No. 25).

12 4. Swyft' counsel attempted to negotiate with Plaintiff's counsel and has requested a
 13 stipulation for a brief, five-day extension to respond to the PI Motion, so that its response is due
 14 on the same day as its response to the Complaint. Indeed, by seeking to extend its deadline to
 15 respond to the PI Motion to the same date as its deadline to respond to the Complaint, Swyft was
 16 merely trying to obtain a briefing schedule on the PI Motion that was consistent with the
 17 extension that Plaintiff already granted it to respond to the Complaint; specifically, Swyft was
 18 anticipating having until November 20, 2019 to evaluate Plaintiff's claims and form responsive
 19 positions. By forcing a response to the PI Motion prior to the time afforded for a response to the
 20 Complaint, however, Swyft's extension to respond to the Complaint and consider its defenses and
 21 other positions has been diminished. A five-day extension of time to respond to the PI Motion
 22 would restore to Swyft a reasonable opportunity to respond to Plaintiff's claims, including in the
 23 PI Motion, while also enabling an expedient resolution to the PI Motion. Plaintiff has rejected
 24 this proposal. Notably, Swyft has clarified its proposal would likewise allow Plaintiff to have a
 25 five-day extension for its reply, but as of the date of this filing, Plaintiff has not agreed to such a
 26 modification. *See Declaration of Garrett S. Llewellyn ("Llewellyn Decl.") at ¶¶ 5-7, Exs. A & B.*

27 5. As explained in the accompanying Declaration of Garrett Llewellyn, because of
 28 the number and complexity of the issues to be briefed in this case, the time lag in communications

1 between Saudi Arabia-based Swyft and its U.S. counsel due to significant time zone differences,
 2 and Swyft's concurrent preparation of its response to the Complaint, Swyft needs additional time
 3 to prepare its response to the PI Motion. Indeed, the mere fifteen days Swyft has to respond to
 4 the PI Motion under the current schedule is insufficient to fully address the numerous issues
 5 raised in Plaintiff's dense, twenty-two-page motion, Plaintiff's forty-eight-paragraph declaration
 6 with various assertions, and nearly sixty pages of exhibits, including foreign-language material.
 7 Thus, Swyft will face substantial harm or prejudice if the Court does not grant the requested
 8 extension of time. *See Llewellyn Decl.* ¶ 8.

9 6. Moreover, the briefing schedule proposed by Swyft does not shorten the time
 10 Plaintiff has to reply, or seek to change the hearing date on the PI Motion. Therefore, it will still
 11 enable the Court to resolve the motion in a speedy, if not identical, ultimate time frame.

12 7. The parties have previously stipulated to an extension of time for Swyft to respond
 13 to the Complaint. (Dkt. Nos. 14 & 16); Llewellyn Decl. at ¶ 10.

14 8. For all of these reasons, Swyft respectfully requests that the Court modify the
 15 briefing schedule for the PI Motion such that Swyft has until November 20, 2019 to respond to
 16 Plaintiff's PI Motion and Plaintiff has until November 27, 2019 to reply on the PI Motion.

17 For the foregoing reasons, Defendant Swyft respectfully requests that the Court grant this
 18 administrative motion

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 20 Dated: November 12, 2019

BARNES & THORNBURG LLP

21
 22 By: /s/ Garrett S. Llewellyn

23 Kevin D. Rising
 24 Garrett S. Llewellyn
 25 Attorneys for Defendant
 26 Inspiring Trading Apps, LLC d/b/a Swyft